

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No.: 2:25-cv-04110-SB-MAA Date: May 19, 2025

Title: Ivan Rueda v. Bryan Birkholz

Present: The Honorable MARIA A. AUDERO, United States Magistrate Judge

Cindy Delgado  
Deputy Clerk

N/A  
Court Reporter / Recorder

Attorneys Present for Plaintiff:  
N/A

Attorneys Present for Defendants:  
N/A

**Proceedings (In Chambers):            Order to Show Cause re: Apparent Defects in Petition**

On April 29, 2025, Petitioner Ivan Rueda, a federal inmate currently incarcerated at FCI Lompoc II, signed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 (“Petition”), which was received by this Court on May 5, 2025. (Pet., ECF No. 1.)

The Petition asserts no grounds for relief. While Petitioner used the correct form of habeas petition, most of the questions have been left blank. (*See, e.g.*, Pet. 3–4.) It is unclear what legal claims Petitioner brings or what relief Petitioner seeks. Accordingly, based on the information presently before the Court, it appears that the Petition may be subject to summary dismissal as frivolous. *See Hendricks v. Vasquez*, 908 F.2d 490, 491 (9th Cir. 1990) (summary dismissal is appropriate where allegations in petition are vague or conclusory, palpably incredible, or patently frivolous or false); *see also, e.g., Turner v. Sullivan*, No. CV 17-5903-PA (JPR), 2017 U.S. Dist. LEXIS 140178 (C.D. Cal. Aug. 29, 2017) (summarily dismissing action as frivolous where “conclusory and nonsensical” claims could not be adjudicated); *Dugger v. Stainer*, No. SACV 16-1385-GW (JPR), 2016 U.S. Dist. LEXIS 161361 (C.D. Cal. Nov. 21, 2016) (summarily dismissing action as frivolous where allegations “raise[d] some sort of broad-based, philosophical and societal concern as to which this Court is powerless to act even were it so inclined”).

However, before the Court makes a recommendation to the District Judge regarding this issue, the Court will afford Petitioner an opportunity to respond. Petitioner is **ORDERED** to show cause in writing by no later than **June 18, 2025** why this Court should not recommend dismissal of this action as frivolous. Petitioner may satisfy this Order to Show Cause by filing either (1) an amended petition clearly setting forth Petitioner’s claims for habeas relief or (2) a written response detailing why the Petition as it stands states cognizable, nonfrivolous claims for habeas relief.

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Instead of filing a response to the Order to Show Cause, Petitioner may request to dismiss this action voluntarily pursuant to Federal Rule of Civil Procedure 41(a). The Clerk is directed to attach Form CV-09 (Notice of Dismissal Pursuant to Federal Rules of Civil Procedure 41(a) or (c)) to this Order to Show Cause.

**Petitioner is cautioned that failure to respond to this Order by June 18, 2025 may result in a recommendation that the Petition be summarily dismissed as frivolous, and for failure to prosecute and failure to comply with a court order pursuant to Federal Rule of Civil Procedure 41(b).**

\* \* \*

This Order is non-dispositive. However, if Petitioner believes this order erroneously disposes of any of his claims or precludes any relief sought, he may file objections with the district judge within twenty (20) days after the date of the Order. *See Bastidas v. Chappell*, 791 F.3d 1155, 1162 (9th Cir. 2015); Fed. R. Civ. P. 72.

It is so ordered.

Attachments

Form CV-09 (Notice of Dismissal Pursuant to Federal Rules of Civil Procedure 41(a) or (c))